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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,393	09/28/2000	Klaus-Peter Maass	60,130-899	8273

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EXAMINER

REDMAN, JERRY E

ART UNIT PAPER NUMBER

3634

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,393

Applicant(s)

MASS ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 11, lines 1-3, the phraseology "said access opening to said hollow interior space of the door is closed by said exterior sheeting" is not readily understood by the Examiner. In all door assemblies, the outer panel (i.e., exterior sheeting) closes the interior space defined in all vehicle doors but it is not readily apparent to the Examiner how the outer panel (i.e., exterior sheeting) closes any access opening in an inner panel). The outer panel closes the one side of the space defined as the "interior space" but not an opening on the interior panel. In claim 13, lines 1-3, the phraseology "said closing plate includes said opening of said interior sheet metal and is closed by said carrier module" is not readily understood by the Examiner. Specifically, how does the closing plate include the opening of the interior sheet metal AND is closed by the carrier module?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 10-13 and 23 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Szerdahelyi et al. Szerdahelyi et al. disclose a motor vehicle door comprising: an interior sheet metal (1b and 3), an exterior sheeting (1a), a hollow interior space formed between (best seen in figure 1f) between the exterior sheeting

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(1a) and the interior sheet metal (1b), an opening (3a or 3b) in the interior sheet metal (1b and 3), a carrier module (5 and/or 6) that closes the opening (3a and/or 3b) and carriers at least one function part (a handle and lock assembly) of said motor vehicle door, the carrier module (5 and/or 6) including a base plate (50 and/or 60) which closes the opening (3a and/or 3b) of the interior sheet metal (1b and 3) from a side of the hollow interior space of the vehicle door, and an access opening (10) sized large enough to allow entry of the carrier module (5 and/or 6) into the interior space of the door. Szerdahelyi et al. further disclose the exterior sheeting (1a) further including a carrier frame (the edge portions of the door as well as the upper guide/carrier portion for the window pane). Szerdahelyi et al. further disclose the interior space of the door is provided in the interior sheet metal (1b and 3) is closed by a closing plate (1'b, column 5, lines 22-23, i.e., the trim panel having openings for module (5 and/or 6).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:


(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szerdahelyi et al. in view of Carlo et al. All of the elements of the instant invention are discussed in detail above except providing the carrier module with two guide rails for a cable assembly and a brace. Carlo et al. disclose a carrier module having two guide rails (7) in a cable assembly and a brace. It would have been obvious to one of ordinary

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skill in the art at the time of the invention to provide the module of Szerdahelyi et al. with two guide rails in a cable assembly and a brace as taught by Carlo et al. since multiple link drives and cable drives are art equivalent and both perform equally as well to drive a window closure. It would have been further obvious to one of ordinary skill in the art at the time of the invention to provide the module of Szerdahelyi et al. with a brace as taught by Carlo et al. since a brace provides rigidity to the module.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.



Jerry Redman
Primary Examiner